THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI DIGVIJAY SINGH): (a) The criteria followed include, *inter alia*, the guidelines laid down by the Cabinet Secretariat, Government of India, issued in March 1995, the political and functional justification for the visit; the background and antecedents of the hosts or organizers; and recommendations from our Diplomatic Mission/Post concerned.

(b) Details are at Annexure [*See* Appendix 199, Annexure No. 8]

(c) The existing guidelines are reviewed on a regular basis.

Cases of Diplomatic Immunity

1254. SHRI VIJAY J. DARDA:
SHRI JIBON ROY:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government are aware that Diplomatic Immunity under the Vienna Convention was granted to diplomats so that they are not harassed unnecessarily;

(b) if so, the reasons for diplomatic immunity in three cases involving Zimbabwean diplomat's car, another diplomat's wife slapping a senior journalist and Senegalese Ambassador's son killing his father's driver in a scuffle; and

(c) if so, what steps are being taken to book such culprits?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI DIGVIJAY SINGH): (a) Yes.

(b) Under Article 31 of Vienna Convention on Diplomatic Relations 1961, a diplomatic agent enjoys immunity from 'Criminal Jurisdiction' of the receiving state. Article 37 extends this immunity to the members of the family of a diplomatic agent forming part of his household, provided they are not nationals of the receiving state. India is a party to the Vienna Convention and has ratified this convention on 15th October, 1965. In order to give effect to this convention, the Parliament enacted the Diplomatic Relations (Vienna Convention) Act, 1972 to have the force of law. Under the provisions of this Act of Parliament, it is obligatory

on the part of Governm nt of India to provide diplomatic immunity to diplomats and their family members unless it is waived by the sending state on the request of the Government of India, as per Article 32 of the Vienna Convention.

(c) In line with Article 31 (4) of the Vienna Convention on Diplomatic Relations, 1961, the immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state. The Government of India requested the Government of Senegal for trial of Mr. Mansoor Ali, son of the Ambassador of Senegal for culpable homicide not amounting to murder under thier local laws. The Senegalese Govt. exercising its sovereign prerogative recalled the Ambassador & family. In the other two cases, the need for waiver of diplomatic immunity or trial of diplomats concerned did not arise as no specific charges could be framed by the police against them.

L-1 Non-Immigration Reforms Act

1255. SHRI P. PRABHAKAR REDDY: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the U.S. Congress has announced plans to introduce the 'L-1 Non-Immigration Reforms Act' which would plug loopholes which allow companies to recruit foreign workers at lower wages thereby displacing the American workers;

(b) if so, the details thereof and its impact on the fate of the Indians on L-1 visas in USA; and

(c) the steps proposed to be taken to protect the interests of the Indian workers affected by the legislation as aforesaid?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI DIGVIJAY SINGH): (a) and (b) Two members of the United States Congress have introduced legislative proposals that seek to place restrictions on the annual quota of L-1 visas and regulate the conditions under which employers can hire and deploy professionals on L-1 visas. The proposed legislation, if enacted, could have a negative impact on future operations of Indian information technology firms in the United States.

(c) Government is working with all concerned to emphasise the mutual interest of India and the United States in unrestricted growth of India-U.S. ties in the information technology industry.